IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1039 OF 2006

Shivram Kushaba Tirmare
since deceased by his legal
representatives
1A Vishnu Shivram Tirmare & ors. ...Appellants.

vs.

Raghunath Maruti Lokhande
since deceased by his legal
representatives
1.1Bhagwan Raghunath Lokhande
and others. ...Respondents.

Mr.S.G.Deshmukh, for Appellants.

CORAM: D.K.DESHMUKH &

DATED: 9th July,2007.

P.C.:-

Heard the learned Counsel appearing for appellants. The appeal Court has rightly held that there was a consolidation scheme and under

the consolidation scheme area of the land of the plaintiffs was shown. If that area, according to the plaintiffs, is shown lesser than to which they are actually entitled, their remedy was to challenge that before the Mamlatdar as per the provisions of The Prevention of Fragmentation and Consolidation of Holdings Act. Instead of adopting that remedy, a civil suit has been instituted by the plaintiffs. I do not find any substantial question of law arises. The appeal is rejected.

(D.K.DESHMUKH, J.)